



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

**Abe Qutub, Ted V. Mercer, and
Michael B. Williams**

Application No. 10/787,004

Filed: February 24, 2004

For: **SINGLE-END-MOUNT SEISMIC
ISOLATOR**

Group Art Unit: 3683

Examiner: Devon C. Kramer

Date: February 22, 2005

Confirmation No. 3946

*I hereby certify that this correspondence is being
deposited with the United States Postal Service as
First Class Mail in an envelope addressed to:*

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 22, 2005

Date
Linda Stuwe
Signature
Linda Stuwe
Typed Name

RESPONSE TO RESTRICTION REQUIREMENT

TO THE COMMISSIONER FOR PATENTS:

Applicant responds as follows to the February 3, 2005 Office action requiring an election of species.

Claims 1-30 are in the application, of which claims 1, 13, and 23 are in independent form. The Examiner identifies five species, as follows:

Species 1 – depicted by FIG. 3;

Species 2 – depicted by FIG. 5;

Species 3 – depicted by FIG. 6;

Species 4 – depicted by FIG. 7; and

Species 5 – depicted by FIG. 8.

Applicant provisionally elects Species 1 for prosecution, respectfully traverses the Examiner's restriction requirement, and requests reconsideration. Applicant contends that claims 1-29 are readable on the elected species.

Contrary to the statements of the Office action, many of the claims are generic to multiple species and are, therefore, linking claims that should not be associated with a single species. For example, claims 1-3, 8-14, 16, 21-25, and 28 are generic to all five species identified by the examiner. In the event that one or more linking claims are found

allowable, Applicant requests withdrawal of the restriction requirement as to the linked species.

Applicant also believes the restriction requirement is improper because the Office action includes no rationale for restriction or the examiner's conclusion that the claims are directed to patentably distinct species, as is required by MPEP § 803 ("Examiners must provide reasons and/or examples to support conclusions . . ."). See also, MPEP § 816 ("A mere statement of conclusion is inadequate."). Furthermore, it would be unreasonable to reach such a conclusion. For example, FIGS. 3 and 4, identified by the examiner as corresponding to two distinct species, in fact show substantially identical devices in different positions. (Specification at paragraphs [0015]-[0017] and [0031].) The embodiment of FIG. 5 (Species 3) differs from the embodiment of FIGS. 3 and 4 primarily in proportion and appearance, but not in its mode of operation. The remaining figures 6-8 show other embodiments of the claimed single-end-mount concept.

Applicant believes that no fee is required in connection with filing of this response. However, in the event that fees are required, the Commissioner is hereby authorized to charge any such fees or credit overpayment, to Deposit Account No. 19-4455.

Respectfully submitted,

DQP LLC

By



Kassim M. Ferris
Registration No. 39,974

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204-1268
Telephone: (503) 224-3380
Facsimile: (503) 220-2480
Attorney Docket No. 61098/2:2